

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:13-CR-00307-RJC-DCK

USA

v.

SHAHID HASSAN MUSLIM

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ORDER

THIS MATTER comes before the Court upon the defendant’s Motion for Stay of 28 U.S.C. § 2255 Petition, filed March 2, 2021, (Doc. No. 224), which the Court interprets as a motion to extend the § 2255 deadline because his “forthcoming” motion (Doc. No. 224-1) is not a pending matter.

The defendant asserts his motions to disqualify the undersigned, (Doc. Nos. 221, 222), should be resolved first. (Doc. No. 224: Motion at 1). However, those motions have already been decided. (Doc. No. 223: Order). Additionally, this Court previously ruled in this case, (Doc. No. 215: Order), and was affirmed by the United States Court of Appeals for the Fourth Circuit, United States v. Muslim, 829 F. App’x 652 (4th Cir. 2020), that it lacks jurisdiction to extend AEDPA’s limitation period prior to a motion to vacate being filed because no case or controversy exists. Defendant is reminded that he has one year from the date the judgment became final to file a motion to vacate.

IT IS, THEREFORE, ORDERED that Defendant’s Motion for Stay of Section 2255 Petition is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant and the United States Attorney.

Signed: March 10, 2021

A handwritten signature in black ink, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

